

DOCKET NO: 283098US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : DATE ALLOWED: JUNE 16, 2010
NORIYUKI SAKOH, ET AL. : EXAMINER: SHIU, H.
SERIAL NO: 10/564,414 :
FILED: JANUARY 12, 2006 : GROUP ART UNIT: 2457
FOR: CONTENT ACQUISITION :
METHOD

PETITION UNDER 37 C.F.R. §1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner to invoke his supervisory authority to require the examiner to consider all of the references cited in the Information Disclosure Statement filed on January 12, 2006 in this allowed application.

An Information Disclosure Statement in conformity with the requirements of 37 C.F.R. §1.97-1.98 was filed on January 12, 2006. Copies of the Information Disclosure Statement including Forms PTO-1449, International Search Report, and the date-stamped Filing Receipt as well as the Notice of Acceptance of Application dated February 2, 2007 are attached. References AO, AP, and AQ cited in the Form PTO-1449 were never acknowledged or made of record by the examiner.

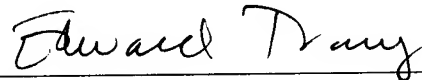
However, according to a Notice of Acceptance of Application dated February 2, 2007, the U.S.P.T.O. received a copy of the International Search Report which contains the above-noted 3 references, as shown in the U.S.P.T.O. PAIR page.

In accordance with MPEP §609.04(a), where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. As the International Search Report provides an "X", or "A" indication for references AO, AP, and AQ, consideration of references AO, AP, and AQ is respectfully requested.

Although Applicants do not believe that any fee is required for the present petition, any required fee should be charged to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Edward W. Tracy, Jr.
Registration No. 47,998

10/564414

Docket No. 283098US6PCT

IAP20 Rec'd PCT/PTO 12 JAN 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Noriyuki SAKOH, et al.

SERIAL NO: New U.S. PCT Application Based on PCT/JP04/07116

GAU:

FILED: Herewith

EXAMINER:

FOR: CONTENT ACQUISITION METHOD

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references cited in the International Search Report and listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s), published application(s) or issued patent(s) which may be related to the present application. In accordance with the waiver of 37 CFR 1.98 dated September 21, 2004, copies of the cited pending applications are not provided. Cited published and/or issued patents, if any, are listed on the attached PTO form 1449.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

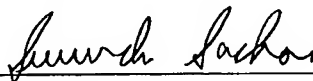
- ☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier

Registration No. 25,599

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)

Surinder Sachar

Registration No. 34,423

COPY

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 283098US6PCT		SERIAL NO. 10/564414 New U.S. PCT Application Based on PCT/JP04/07116	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Noriyuki SAKOH, et al.			
FILING DATE Herewith				GROUP			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION		
					YES	NO	
	AO	11-73360	03/16/99	JP		NO	
	AP	2001/073569	10/04/01	WO (equivalent of KR2003-0005239, US2003/0050050 & CN1430748		NO	
	AQ	2002/073424	09/19/02	WO (equivalent of JP2002-268996 & CN1462393)		NO	
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ						<input type="checkbox"/> Additional References sheet(s) attached
Examiner					Date Considered		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

COPY

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 283098US6PCT		SERIAL NO. 10/564414 New U.S. PCT Application Based on PCT/JP04/07116	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Noriyuki SAKOH, et al.			
				FILING DATE Herewith		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO		
	AO	11-78888	08/18/99	JP		NO	
	AP	2001/073569	10/04/01	WO (equivalent of KR2003-0005239, US2003/0050050 & CN1430748		NO	
	AQ	2002/073424	09/19/02	WO (equivalent of JP2002-268996 & CN1462393)		NO	
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner /Ho Shiu/					Date Considered 03/26/2008		
*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

COPY

INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP2004/007116

A. CLASSIFICATION OF SUBJECT MATTER
Int.Cl⁷ G06F13/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Int.Cl⁷ G06F13/00

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Jitsuyo Shinan Koho	1922-1996	Toroku Jitsuyo Shinan Koho	1994-2004
Kokai Jitsuyo Shinan Koho	1971-2004	Jitsuyo Shinan Toroku Koho	1996-2004

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	JP 11-73360 A (Matsushita Electric Industrial Co., Ltd.), 16 March, 1999 (16.03.99), Par. Nos. [0018] to [0027], [0042]; Fig. 1	1-18
A	WO 2001/073569 A1 (Sanyo Electric Co., Ltd.), 04 October, 2001 (04.10.01), Full text; all drawings	1-18
A	WO 2002/073424 A1 (NTT Docomo Inc.), 19 September, 2002 (19.09.02), Full text; all drawings	1-18

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

- * Special categories of cited documents:
- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search
20 August, 2004 (20.08.04)Date of mailing of the international search report
07 September, 2004 (07.09.04)Name and mailing address of the ISA/
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

Form PCT/ISA/210 (second sheet) (January 2004)

COPY

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.

PCT/JP2004/007116

JP 11-73360 A	1999.03.16	(Family: none)
WO 2001/073569 A1	2001.10.04	AU 200142789 A KR 2003005239 A EP 1278127 A1 US 2003/50050 A1 CN 1430748 A
WO 2002/073424 A1	2002.09.19	JP 2002-268996 A EP 1367495 A1 CN 1462393 A

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/564,414	Noriyuki Sakoh	283098US6PCT

22850
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

INTERNATIONAL APPLICATION NO.	
PCT/JP04/07116	
I.A. FILING DATE	PRIORITY DATE
05/19/2004	09/30/2003

CONFIRMATION NO. 8040
371 ACCEPTANCE LETTER



Date Mailed: 02/02/2007

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>01/12/2006</u>	<u>01/12/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/12/2006
- Copy of the International Search Report filed on 01/12/2006
- Information Disclosure Statements filed on 01/12/2006
- Oath or Declaration filed on 01/12/2006
- Request for Immediate Examination filed on 01/12/2006
- U.S. Basic National Fees filed on 01/12/2006
- Priority Documents filed on 01/12/2006
- Power of Attorney filed on 01/12/2006
- Non-English Language Application filed on 01/12/2006
- Specification filed on 01/12/2006
- Claims filed on 01/12/2006

COPY

- Abstracts filed on 01/12/2006
- Drawings filed on 01/12/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 3 - OFFICE COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

COPY

Due Date March 30, 2006

OSMM&N File No. 283098US6PCT

By GJM/dtv/FF

Serial No. New U.S. PCT Application based on PCT/JP04/07116

In the matter of the Application of Noriyuki SAKOH, et al.
For CONTENT ACQUISITION METHOD

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 77 pgs. Specification 18 Claims (English Translation)
- Combined Declaration, Petition & Power of Attorney (4 pages)
- Application Data Sheet (2 pages)
- Notice of Priority
- Dep. Acct. Order Form
- Credit Card Payment Form for \$1,500.00
- Drawings (15 sheets)
- PCT Transmittal Letter
- PCT/IB/304
- Information Disclosure Statement
- Cited References (7)
- International Search Report



■ PTO-1449

SERIAL NO. _____

DATE RECEIVED _____

COPY